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Attorneys for Defendants COUNTY OF MONTEREY and
 MICHAEL KANALAKIS

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JIMMY HAWS, SETH DANIEL HAWS,
 and MIA SKYE HAWS, minors, by and
 through their guardian ad litem, CARRIE A.
 HAWS, and CARRIE A. HAWS,
 individually,

Plaintiffs,

v.

COUNTY OF MONTEREY, MICHAEL
 KANALAKIS, NATIVIDAD MEDICAL
 CENTER and DOES 1-300, inclusive,

Defendants.

Case No. C 07-02599 JF

REPLY BY DEFENDANTS COUNTY OF
 MONTEREY AND MICHAEL
 KANALAKIS TO PLAINTIFFS'
 OPPOSITION TO MOTION TO DISMISS
 PLAINTIFFS' COMPLAINT WITH
 PREJUDICE

Date: July 20, 2007
 Time: 9:00 AM
 Ctrm.: 3, 5th Floor
 Judge: Hon. Jeremy Fogel
 Action Filed: May 16, 2007

1. STANDING

Concerning the alleged loss of consortium claims by Plaintiffs, it should be noted that the situation here in the present case is not like the circumstances in the cases cited by Plaintiffs in their opposition in that here, we are not dealing with a deceased individual (*Smith v. City of Fontana*, 818 F.2d 1411 (9th Cir. 1987) (overruled in part by *Hodgers-Durgin v. De La Vina*, 199 F.3d 1037 (9th Cir. 1999)) or one who has been deported to another country (*Morrison v. Jones*, 607 F.2d 1269 (9th Cir. 1979)). Therefore, these cases are not on point with the instant case.

2. CONCESSIONS BY PLAINTIFFS

Given the multiple concessions by Plaintiffs in their Opposition (Plaintiffs' Opposition,

page 5, line 18; page 8, line 5; page 13, line 2), Defendants' Motion to Dismiss should be granted.

3. CONCLUSION

These moving Defendants stand on their Points and Authorities previously filed in support of their Motion to Dismiss the complaint in this matter. Defendants respectfully request that the Court grant their motion.

DATED: July 6, 2007.

Respectfully submitted,

CHARLES J. McKEE, County Counsel

By /S/ Traci A. Kirkbride
TRACI A. KIRKBRIDE, Deputy County Counsel

Attorneys for Defendants COUNTY OF MONTEREY
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